

Environmental Protection Agency

§ 79.2

occurs upon completion of the remanded proceeding, including any appeals to the Environmental Appeals Board in the remanded proceeding.

[58 FR 3760, Jan. 11, 1993, as amended at 62 FR 55488, Oct. 24, 1997]

PART 79—REGISTRATION OF FUELS AND FUEL ADDITIVES

Subpart A—General Provisions

Sec.

- 79.1 Applicability.
- 79.2 Definitions.
- 79.3 Availability of information.
- 79.4 Requirement of registration.
- 79.5 Periodic reporting requirements.
- 79.6 Requirement for testing.
- 79.7 Samples for test purposes.
- 79.8 Penalties.

Subpart B—Fuel Registration Procedures

- 79.10 Application for registration by fuel manufacturer.
- 79.11 Information and assurances to be provided by the fuel manufacturer.
- 79.12 Determination of noncompliance.
- 79.13 Registration.
- 79.14 Termination of registration of fuels.

Subpart C—Additive Registration Procedures

- 79.20 Application for registration by additive manufacturer.
- 79.21 Information and assurances to be provided by the additive manufacturer.
- 79.22 Determination of noncompliance.
- 79.23 Registration.
- 79.24 Termination of registration of additives.

Subpart D—Designation of Fuels and Additives

- 79.30 Scope.
- 79.31 Additives.
- 79.32 Motor vehicle gasoline.
- 79.33 Motor vehicle diesel fuel.

Subpart E [Reserved]

Subpart F—Testing Requirements for Registration

- 79.50 Definitions.
- 79.51 General requirements and provisions.
- 79.52 Tier 1.
- 79.53 Tier 2.
- 79.54 Tier 3.
- 79.55 Base fuel specifications.
- 79.56 Fuel and fuel additive grouping system.
- 79.57 Emission generation.

- 79.58 Special provisions.
- 79.59 Reporting requirements.
- 79.60 Good laboratory practices (GLP) standards for inhalation exposure health effects testing.
- 79.61 Vehicle emissions inhalation exposure guideline.
- 79.62 Subchronic toxicity study with specific health effect assessments.
- 79.63 Fertility assessment/teratology.
- 79.64 *In vivo* micronucleus assay.
- 79.65 *In vivo* sister chromatid exchange assay.
- 79.66 Neuropathology assessment.
- 79.67 Glial fibrillary acidic protein assay.
- 79.68 *Salmonella typhimurium* reverse mutation assay.

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Subpart A—General Provisions

§ 79.1 Applicability.

The regulations of this part apply to the registration of fuels and fuel additives designated by the Administrator, pursuant to section 211 of the Clean Air Act (42 U.S.C. 1857f-6c, as amended by section 9, Pub. L. 91-604).

§ 79.2 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) *Act* means the Clean Air Act (42 U.S.C. 1857 *et seq.*, as amended by Pub. L. 91-604).

(b) *Administrator* means the Administrator of the Environmental Protection Agency.

(c) *Fuel* means any material which is capable of releasing energy or power by combustion or other chemical or physical reaction.

(d) *Fuel manufacturer* means any person who, for sale or introduction into commerce, produces, manufactures, or imports a fuel or causes or directs the alteration of the chemical composition of a bulk fuel, or the mixture of chemical compounds in a bulk fuel, by adding to it an additive, except:

(1) A party (other than a fuel refiner or importer) who adds a quantity of additive(s) amounting to less than 1.0 percent by volume of the resultant additive(s)/fuel mixture is not thereby considered a fuel manufacturer.

(2) A party (other than a fuel refiner or importer) who adds an oxygenate compound to fuel in any otherwise allowable amount is not thereby considered a fuel manufacturer.

(e) *Additive* means any substance, other than one composed solely of carbon and/or hydrogen, that is intentionally added to a fuel named in the designation (including any added to a motor vehicle's fuel system) and that is not intentionally removed prior to sale or use.

(f) *Additive manufacturer* means any person who produces, manufactures, or imports an additive for use as an additive and/or sells or imports for sale such additive under the person's own name.

(g) *Range of concentration* means the highest concentration, the lowest concentration, and the average concentration of an additive in a fuel.

(h) *Chemical composition* means the name and percentage by weight of each compound in an additive and the name and percentage by weight of each element in an additive.

(i) *Chemical structure* means the molecular structure of a compound in an additive.

(j) *Impurity* means any chemical element present in an additive that is not included in the chemical formula or identified in the breakdown by element in the chemical composition of such additive.

(k) *Oxygenate compound* means an oxygen-containing, ashless organic compound, such as an alcohol or ether, which may be used as a fuel or fuel additive.

[40 FR 52011, Nov. 7, 1975, as amended at 59 FR 33092, June 27, 1994; 62 FR 12571, Mar. 17, 1997]

§ 79.3 Availability of information.

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by part 2 of this chapter except as expressly noted in subpart F of this part.

[59 FR 33092, June 27, 1994]

§ 79.4 Requirement of registration.

(a) *Fuels*. (1) No manufacturer of any fuel designated under this part shall,

after the date prescribed for such fuel in this part, sell, offer for sale, or introduce into commerce such fuel unless the Administrator has registered such fuel.

(2) No manufacturer of a registered fuel shall add or direct the addition to it of an additive which he has not previously reported unless he has notified the Administrator of such intended use, including the expected or estimated range of concentration. If necessary to meet an unforeseen production problem, however, a fuel manufacturer may use an additive that he has not previously reported provided that (i) the additive is on the current list of registered additives and (ii) the fuel manufacturer notifies the Administrator within 30 days regarding such unforeseen use and his plans regarding continued use, including the expected or estimated range of concentration.

(3) Any designated fuel that is (i) in a research, development, or test status; (ii) sold to automobile, engine, or component manufacturers for research, development, or test purposes; or (iii) sold to automobile manufacturers for factory fill, and is not in any case offered for commercial sale to the public, shall be exempt from registration.

(4) A domestic fuel manufacturer may purchase and offer for commercial sale foreign-produced fuel containing unidentified additives provided that within 30 days of his offer for sale he notifies the Administrator of the purchase, the source of purchase, the quantity purchased, and summarized results of any tests performed to determine the acceptability of the purchased fuel to the fuel manufacturer.

(b) *Additives*. (1) No manufacturer of any fuel additive designated under this part shall, after the date by which the additive must be registered under this part, sell, offer for sale, or introduce into commerce such additive for use in any type of fuel designated under this part unless the Administrator has registered that additive for use in that type of fuel.

(2) Any designated additive that is either (i) in a research, development, or test status or (ii) sold to petroleum, automobile, engine, or component manufacturers for research, development, or test purposes, and in either